

RANDALL S. LUSKEY (SBN: 240915)
rluskey@paulweiss.com
**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**
535 Mission Street, 24th Floor
San Francisco, CA 94105
Telephone: (628) 432-5100
Facsimile: (628) 232-3101

ROBERT ATKINS (*Pro Hac Vice* admitted)
ratkins@paulweiss.com
CAITLIN E. GRUSAUSKAS (*Pro Hac Vice* admitted)
cgrusauskas@paulweiss.com
ANDREA M. KELLER (*Pro Hac Vice* admitted)
akeller@paulweiss.com
**PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Facsimile: (212) 757-3990

Attorneys for Defendants
UBER TECHNOLOGIES, INC.;
RASIER, LLC; and RASIER-CA, LLC

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

**DEFENDANTS UBER TECHNOLOGIES,
INC., RASIER, LLC, RASIER-CA, LLC'S
STATEMENT WITH RESPECT TO
PLAINTIFFS' ADMINISTRATIVE
MOTION TO CONSIDER WHETHER
ANOTHER PARTY'S MATERIAL
SHOULD BE FILED UNDER SEAL (ECF
NO. 339)**

This Document Relates to:

ALL ACTIONS

Judge: Hon. Lisa J. Cisneros
Courtroom: G – 15th Floor

UBER'S STATEMENT WITH RESPECT TO PLAINTIFFS' ADMINISTRATIVE MOTION TO CONSIDER
WHETHER ANOTHER PARTY'S MATERIAL SHOULD BE FILED UNDER SEAL

Case No. 3:23-MD-3084-CRB

1 Pursuant to Civil Local Rule 79-5(f)(3), Defendants Uber Technologies, Inc., Rasier, LLC,
2 Rasier-CA, LLC (collectively “Uber”), submit this statement to notify the Court that Uber does not
3 seek the sealing of the documents identified in Plaintiffs’ Administrative Motion to Consider Whether
4 Another Party’s Material Should be Filed Under Seal, dated March 11, 2024 (ECF No. 339). As
5 explained below, Uber will therefore not be filing a declaration or other support for sealing the material
6 identified in Plaintiffs’ Administrative Motion.

7 On March 1, 2024, the Court directed Uber to produce to Plaintiffs certain documents that
8 Uber had previously produced in other litigations. (ECF No. 321.) In the Court’s March 1 Order, the
9 Court stated that it “believes that designation by Uber of any case-specific and plaintiff-specific
10 documents produced to Plaintiffs as ‘Highly Confidential – Attorneys’ Eyes Only’ is appropriate under
11 these circumstances.” (*Id.* at 11.) At the same time Uber was preparing the production of documents
12 in response to the Court’s March 1 Order relating to other litigations, Uber was also preparing the
13 production of documents that Uber agreed to voluntarily produce from a civil litigation with the San
14 Francisco and Los Angeles District Attorneys. (*See* ECF 337 “Though outside of PTO 5, in the spirit
15 of cooperation, Uber is producing 19 document requests, containing 186 pages from the DA inquiry.”).
16 In preparing these two documents productions simultaneously, the Requests for Production at issue in
17 Plaintiffs’ Administrative Motion (UBER-MDL3084-000053407-53446) were inadvertently
18 designated as “Highly Confidential - Attorneys’ Eyes Only” like the case-specific documents being
19 produced from the other litigations, as directed by the Court. Uber has now withdrawn the inadvertent
20 designation of UBER-MDL3084-000053407-53446 and has informed Plaintiffs of the de-designation,
21 and Uber has provided Plaintiffs with a replacement production of these documents with the correct
22 designation.

23 Plaintiffs, however, did not confer with Uber in advance of filing their Administrative Motion
24 to Consider Whether Another Party’s Material Should be Filed Under Seal (ECF No. 339). Had they
25 done so, the need for an Administration Motion may have been obviated.

1 DATED: March 18, 2024

Respectfully submitted,

2 **SHOOK HARDY & BACON L.L.P.**

3 By: /s/ Michael B. Shortnacy

4 MICHAEL B. SHORTNACY

5 MICHAEL B. SHORTNACY (SBN: 277035)

6 mshortnacy@shb.com

7 **SHOOK, HARDY & BACON L.L.P.**

2049 Century Park East, Ste. 3000

8 Los Angeles, CA 90067

9 Telephone: (424) 285-8330

Facsimile: (424) 204-9093

10 PATRICK OOT (Admitted *Pro Hac Vice*)

11 oot@shb.com

12 **SHOOK, HARDY & BACON L.L.P.**

1800 K St. NW Ste. 1000

13 Washington, DC 20006

14 Telephone: (202) 783-8400

Facsimile: (202) 783-4211

15 KYLE N. SMITH (*Pro Hac Vice* admitted)

ksmith@paulweiss.com

16 JESSICA E. PHILLIPS (*Pro Hac Vice* admitted)

jphillips@paulweiss.com

17 **PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP**

18 2001 K Street, NW

19 Washington DC, 20006

20 Telephone: (202) 223-7300

Facsimile: (202) 223-7420

21 *Attorney for Defendants*

22 UBER TECHNOLOGIES, INC.,

23 RASIER, LLC, and RASIER-CA, LLC